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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,089	07/21/2003	Scott Thomas	3377.1001-001	6006
21005	7590	06/29/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Wn

Office Action Summary

Application No.

10/624,089

Applicant(s)

THOMAS, SCOTT

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06242004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-11, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran (US 4,254,451) in view of Soll (US 5,722,762).

Referring to Claim 1 Cochran discloses (Fig.1) an eyeglasses including a frame [10] having a first and a second corners, a lens member [26] attached to the frame and a plurality of lights integrated with the frame, wherein the lights are mounted to the first corner, to the second corner and at center of the frame.

Cochran discloses the instant claimed invention except for the lights rotatably mounted to the corners of the frame.

Soll discloses (Fig.1) lights [18] rotatably mounted to the corners of the frame (col.3, lines 48-62) in order to illuminate a selected area.

Referring to Claims 2, 3 Cochran discloses the instant claimed invention except for power course integrated with the frame.

Soll discloses (col.6, lines 63-67; claim 5) the power course (one or more batteries) integrated with the frame.

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Referring to Claims 4, 5 while Soll discloses that the battery is integrated with the frame, it will of course be readily understood by those skilled in the art that the device will work identically if the battery will be installed in any desired part of the frame.

Referring to Claims 8-10 Cochran discloses the instant claimed invention except for protruding member.

Soll discloses a protruding member [26] coupled to the lights and controlling the rotation of the lights. Using this type of rotation mechanism make the first and second lights adjustable for varying direction, including downward.

Referring to Claim 11 Cochran discloses a plurality of LEDs.

Referring to Claim 15 Cochran discloses (Fig.1) an illuminated glasses.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the rotatable lights, as taught by Soll, for the eyeglasses of Cochran in order to illuminate a selected area.

Claims 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran and Soll, as applied to claim 2 above, and further in view of Rosemwinkel et al. (US 4,283,127).

Cochran et al. disclose the instant claimed invention except for rocker switch integrated with the frame.

Rosemwinkel et al. disclose (Abstract) an eyeglasses having manually actuatable switch secured to the frame in series with the batteries and LEDs. It is understood that any manually actuatable on/off switch known in the art, including a rocker switch, may be used in the device.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the switch, as taught by Rosemwinkel et al., for the device of Cochran et al. in order to operate the lights.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran and Soll as applied to claim 11 above, and further in view of Vreman et al. (US 6,350,275).

Cochran et al. discloses the instant claimed invention except for white LED.

Vreman et al. disclose an eyeglasses having a white LED. A white light is easier on the eyes while being more natural and less conspicuous than the colored light source (col.8, lines 30-37).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the white LEDs, as taught by Vreman et al. for the device of Cochran et al. in order to provide light which is easier for the eyes.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran and Soll as applied to claim 1 above, and further in view of Nadler et al. (US 6,588,897).

Cochran et al. discloses the instant claimed invention except for that a lens and a frame are made of polycarbonate.

Nadler et al. disclose safety eyeglasses wherein the lens and the frame are made of polycarbonate (col.3, lines 39-41 and claim 15) in order to resists shattering when exposed to shock.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the frame and lenses of the device of Cochran et al. made of polycarbonate, as taught by Nadler et al., in order to resist shattering when exposed to shock.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran and Soll as applied to claim 1 above, and further in view of Bogyos (US 3,582,193).

Cochran et al. discloses the instant claimed invention except for that the bridge member is positioned downward from the temples.

Bogyos discloses (Fig.1) an eyeglasses wherein that the bridge member is positioned downward from the temples, thereby the light beams emitted from the light attached to the bridge will intersect a wearer's line of sight which normally is parallel to the temple.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the bridge member of Cochran et al. positioned downward from the temples, as taught by Bogyos, in order to obtain intersection between the light beam emitted from the light attached to the bridge and wearer's line of sight.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran, Soll, Vreman et al., Nadler et al., Rosemwinkel et al. and Bogyos. These references in a combination disclose structure of the device but do not disclose a method of illuminated eye protection. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to take the steps of apparatus above and provide a method of illuminated eye

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protection since a prior art of record teaches or suggests a means of illuminated eye protection with the following steps:

- wearing an eyeglasses having plural lights;
- activating the lights and directing the lights to form a beam of light on a work area;

wherein the device includes means for protecting an eye, means for illuminating a work area and means for rotating the means for illuminating to provide a beam of light on the working area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

June 24, 2004



ALAN CARIASO
PRIMARY EXAMINER